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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SCHUBERT, KEVIN R

ART UNIT PAPER NUMBER

2137

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/650,867

Applicant(s)

HASSELL ET AL.

Examiner

Kevin Schubert

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-11, 16, 18 and 62-111 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-11, 16, 18 and 62-111 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

Claims 3-11, 16, 18, and 62-111 have been considered.

#### *Continued Examination Under 37 CFR 1.114*

5           A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/5/05 has been entered.

10

#### *Claim Objections*

Claim 63 is objected to because of the following informalities: "implemented in troubleshooting portal device" is grammatically awkward. Appropriate correction is required.

15

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

20

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25

Claims 3-11, 16, and 62-69, 74-84, 86-92, 95-99, and 101-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh, U.S. Patent No. 6,434,615, in view of the applicant's admitted prior art (AAPA).

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As per claims 63,78,87, and 105, the applicant discloses a method for providing connectivity between a first communication device and a second communication device comprising the following limitations which are met by Dinh and AAPA:

a) receiving a specification from the first communication device over a first communication  
5 channel, wherein the first communication device is located in a network operated by a first provider, the specification comprising at least one predefined identifier of the second communication device (Dinh: Col 6, lines 4-16; AAPA: Fig 1);

b) receiving, from the first communication device, a request to establish connectivity between the first and the second communication device, wherein the second communication device is located in a  
10 second network operated by a second provider different than the first provider (Dinh: Col 6, lines 4-16; AAPA: Fig 1);

c) determining a predefined second communication channel to the second communication device that is associated with the predefined identifier (Dinh: Col 6, lines 4-16);

d) configuring a network device to establish a route between the first communication device and  
15 the second communication device based upon the specified predefined identifier (Dinh: Col 6, lines 4-16);

e) receiving at least troubleshooting data and a test from the first communication device (Dinh: Col 5, lines 5-30);

f) communicating the received troubleshooting data and the test to the second communication device (Dinh: Col 5, lines 5-30);

20 Dinh is silent as to whether the first and second communication devices, which establish connectivity, are located *in different networks*. AAPA discloses the common and well-known idea that connectivity can be established between devices in different networks. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of AAPA with those of Dinh for at least the reason that doing so makes the system more robust and versatile by allowing for  
25 communication between devices located in different networks.

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As per claims 3-5,7-9, and 16, the applicant describes the method of claim 63, which is met by Dinh in view of AAPA, with the following limitation which is also met by AAPA:

Wherein said first communication device is located in a network service provider communication system (AAPA: Fig 1, Specification: pages 2-4).

5

As per claims 10,11,62,69,76, and 84, the applicant has described the method of claims 63 and 78, which are met by Dinh in view of AAPA, with the following limitation which is also met by Dinh:

Wherein the predefined identifier is a circuit ID, and the circuit ID is associated with an IP address previously assigned to the second communication device (Dinh: Col 6, lines 4-17).

10

As per claims 64 and 79, the applicant describes the method of claim 63 and 78, which is met by Dinh in view of AAPA, with the following limitation which is met by AAPA:

Wherein the predefined identifier is an IP address and the predefined communication channel is a VC (AAPA: Specification page 2, Fig 1).

15

As per claims 65-68 and 80-83, the applicant describes the method of claims 63 and 78, which are met by Dinh in view of AAPA, with the following limitation which is met by AAPA:

Wherein the first communication device is located in a first network operated by a first provider, and the second communication device is located in a second network operated by a second provider

20 different from the first provider (AAPA: Fig 1).

As per claims 72 and 86, the applicant describes the method of claims 63 and 78, which are met by Dinh in view of AAPA, with the following limitation which is met by AAPA:

Further comprising the step of verifying the request before the configuring step (AAPA: Specification page 7).

25

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As per claims 74,75, and 77, the applicant describes the method of claim 63, which is met by Dinh in view of AAPA, with the following limitation which is met by AAPA:

Wherein a portion of the access provider communication network is a frame relay network (Specification: page 2).

5

As per claims 103 and 110, the applicant describes the method of claims 87 and 105, which are met by Dinh in view of AAPA, with the following limitation which is met by Dinh:

Wherein a portion of the second network is an internet protocol (IP) network (Dinh: Col 6, lines 4-17).

10

As per claim 97, the applicant describes the method of claim 87, which is met by Dinh in view of AAPA, with the following limitation which is met by AAPA:

Wherein the predefined identifier is an IP address and the predefined communication channel is a VC (AAPA: Specification page 2, Fig 1);

15

As per claims 88-89,98, and 106-107, the applicant describes the method of claims 87 and 105, which are met by Dinh in view of AAPA, with the following limitation which is met by AAPA:

wherein the first provider is a network service provider and the second provider is an access network provider (AAPA: Fig 1).

20

As per claims 90-92,96, and 99, the applicant describes the method of claims 87 and 105, which are met by Dinh in view of AAPA, with the following limitations which are met by Dinh:

Wherein the predefined identifier is a circuit ID, and the circuit ID is associated with an IP address previously assigned to the second communication device (Dinh: Col 6, lines 4-17).

25

As per claim 95, the applicant describes the method of claim 87, which is met by Dinh in view of AAPA, with the following limitation which is met by AAPA:

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Further comprising the step of verifying the request before the configuring step (AAPA: Specification page 7).

As per claims 101-102, 104, 108-109, and 111, the applicant describes the method of claims 87  
5 and 105, which are met by Dinh in view of AAPA, with the following limitation which is met by AAPA:

Wherein a portion of the access provider communication network is a frame relay network (AAPA: Specification page 2).

Claims 70, 71, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in  
10 view of AAPA in further view of Montenegro (Montenegro, G; Gupta, V. RFC 2356- Sun's SKIP Firewall Traversal for Mobile IP. June 1998. page 4).

As per claims 70-71 and 85, the applicant describes the method of claims 63 and 78, which are met by Dinh in view of AAPA, with the following limitation which is met by Dinh and Montenegro:

15 a) at the network service provider, assigning a permanent IP address to the second communication device (Dinh: Col 6, lines 4-17; Montenegro: page 4);

b) associating the circuit ID with the assigned IP address (Dinh: Col 6, lines 4-17; Montenegro: page 4);

Dinh in view of AAPA discloses all the limitations of independent claims 63 and 78. However,  
20 Dinh in view of AAPA does not disclose assigning a *permanent* IP address. Montenegro discloses the idea of assigning permanent or temporary IP addresses depending on the needs of the system. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Montenegro with those of Dinh in view of AAPA and assign permanent IP addresses in a system more apt to utilize permanent IP addressing.

25

Claims 18 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of AAPA in further view of Dowling, U.S. Patent No. 6,574,239.

As per claims 18 and 73, the applicant describes the method of claim 63, which is met by Dinh in view of AAPA, with the following limitations which are met by Dowling:

a) monitoring activity between the first communications device and the second communications device (Dowling: Col 13, lines 21-25);

b) terminating connectivity between the first communications device and the second communications device after a predefined period of no activity (Dowling: Col 13, lines 21-25);

Dinh in view of AAPA discloses all the limitations of claim 63. However, Dinh in view of AAPA does not disclose terminating a connection after a predefined period of no activity. Dowling discloses this limitation. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Dowling with those of Dinh in view of AAPA because terminating a connection after a predefined period of no activity ensures that system resources are not wasted by a stale connection.

Claims 93 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of AAPA in further view of Montenegro (Montenegro, G; Gupta, V. RFC 2356- Sun's SKIP Firewall Traversal for Mobile IP. June 1998. page 4).

As per claims 93 and 100, the applicant describes the method of claim 87, which is met by Dinh in view of AAPA, with the following limitation which is met by Dinh and Montenegro:

a) at the network service provider, assigning a permanent IP address to the second communication device (Dinh: Col 6, lines 4-17; Montenegro: page 4);

b) associating the circuit ID with the assigned IP address (Dinh: Col 6, lines 4-17; Montenegro: page 4);

Dinh in view of AAPA discloses all the limitations of independent claim 63. However, Dinh in view of AAPA does not disclose assigning a *permanent* IP address. Montenegro discloses the idea of assigning permanent or temporary IP addresses depending on the needs of the system. It would have



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been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Montenegro with those of Dinh in view of AAPA and assign permanent IP addresses in a system more apt to utilize permanent IP addressing.

5            Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of AAPA in further view of Dowling, U.S. Patent No. 6,574,239.

As per claims 94, the applicant describes the method of claim 87, which is met by Dinh in view of AAPA, with the following limitations which are met by Dowling:

10            a) monitoring activity between the first communications device and the second communications device (Dowling: Col 13, lines 21-25);

b) terminating connectivity between the first communications device and the second communications device after a predefined period of no activity (Dowling: Col 13, lines 21-25);

15            Dinh in view of AAPA discloses all the limitations of claim 63. However, Dinh in view of AAPA does not disclose terminating a connection after a predefined period of no activity. Dowling discloses this limitation. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Dowling with those of Dinh in view of AAPA because terminating a connection after a predefined period of no activity ensures that system resources are not wasted by a stale connection.

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### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 12/5/05, with respect to the 112 rejections of claims 3-11, 16, 18, 62, and 105-111 have been fully considered and are persuasive. Accordingly, the 112 rejections have been withdrawn.

25

Applicant's arguments with respect to the rejections of claims 3-11, 16, 18, and 62-111 under 102(e) and/or 103(a) have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**

This action is made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should  
5 be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally  
be reached on M-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where  
this application or proceeding is assigned is 571-273-8300.

10 Information regarding the status of an application may be obtained from the Patent Application  
Information Retrieval (PAIR) system. Status information for published applications may be obtained from  
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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)  
15 at 866-217-9197 (toll-free).

KS

20

  
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